

October 2023 Report to the Citizens Advisory Council
(New and updated information in italics)

DEP Highlights

Local Climate Action Program

State and local governments leading by example on climate action is a key component of mitigating climate change in Pennsylvania and one of the strategies recommended in the Pennsylvania Climate Action Plan (PCAP). The Local Climate Action Program (LCAP) provides free technical and personnel assistance to local governments that want to create their own greenhouse gas inventories and climate action plans with the goals of reducing emissions and combatting climate change. This includes engaging the community in the planning process, via in-person workshops, virtual meetings, and online surveys. The technical and personnel assistance is provided by EPO staff and university partners, including professors and students from Penn State University, Sustainability Institute; Wilkes University; and Drexel University, Environmental Collaboratory. The new 23-24 LCAP kicked off with the beginning of the fall 2023 semester. The 23-24 LCAP cohort includes ten participating local governments as well as the Pennsylvania Department of Conservation and Natural Resources:

1. Centre County
2. Churchill Borough
3. Homestead Borough
4. State College Borough
5. Palmer Township
6. Conshohocken Borough
7. Solebury Township
8. City of Harrisburg
9. Lower Macungie Township
10. Mechanicsburg Borough

Inflation Reduction Act (IRA)-Home Energy Rebates

EPO is developing two programs within the Inflation Reduction Act Home Energy Rebates, Home Owner Managing Energy Savings (HOMES) and High-Efficiency Electric Home Rebate (HEEHR a.k.a. “hear”). The HEEHR Program will provide point-of-sale consumer discounts to enable low- and moderate-income households across America to electrify their homes. These point-of-sale rebates are an immediate, off-the-top discount when making qualifying electrification purchases. The HOMES Rebate program is meant to encourage performance-based residential energy efficiency retrofits. This will ensure that Pennsylvanians with the highest energy burdens can better-afford upgrades. EPO has contracted with Deloitte to help prepare for both programs’ applications including market research, program design, and data management.

DEP Environmental Education Grants Program

The DEP 2023 Environmental Education Grants program began July 1, 2023 and will conclude June 30, 2024. This grant program awarded more than \$1 million to fund 70 environmental education projects throughout the state. 54 of the 70 projects will engage people living, working and/or attending school within environmental justice areas.

DEP began accepting applications for the 2024 Environmental Education Grants program on August 1, 2023, with an application deadline of November 15, 2023. Priority funding will be awarded to projects that engage audiences within Environmental Justice (EJ) areas on topics addressing Climate Change and/or Water.

Up to \$5,000 may be awarded for local Mini-grant projects. General Grant Level I funding (\$5,001-\$30,000) may be awarded for implementation of large-scale (such as multiple communities or school district, county or state-wide) projects. Up to \$65,000 may be awarded for General Grant Level II projects that provide opportunities for engagement of teachers and students (at least 30% EJ) from at least 60 counties at three levels: local, state and national.

An EE Grants Program webinar is slated for September 26 from Noon-1:30 p.m.

Information about the DEP Environmental Education Grants Program, including the current EE Grants Program manual, is available at: [Environmental Education Grants Program](#).

Questions concerning the Environmental Education Grants Program should be directed to the DEP EE&IC at RA-epEEgrants@pa.gov.

Inflation Reduction Act (IRA) - Methane Emissions Reduction Program (MERP)

On Wednesday, August 30, the U.S. Department of Energy (DOE) announced the availability of up to \$350 million nationwide in formula grant funding to help monitor and reduce methane emissions from the oil and gas sector and for environmental restoration of well sites. The goal of MERP is to help oil and gas well owners, and operators of applicable facilities, voluntarily and permanently reduce methane emissions from leaks and daily operations of low-producing conventional wells on non-federal lands. Based on the federal MERP grant formula, Pennsylvania's allocation is \$33,675,097 which is the third highest behind Texas and Kansas. The original deadline for states to apply for this funding was to be September 30, 2023; however, the Department of Energy announced that the deadline has been extended to October 10, 2023. The Office of Oil and Gas Management is working diligently to prepare applications materials in order to meet this deadline.

Regulatory Update (Detailed summaries included in respective program sections)

- Please refer to the [DEP Rolling Regulatory Agenda](#) for the full Regulatory Update.
- Proposed Rulemaking – Triennial Review of Water Quality Standards (#7-577): The draft proposed regulation was discussed with the Water Resources Advisory Committee on May 19 and November 17, 2022, and the Agricultural Advisory Board on December 8, 2022. The Environmental Quality Board (EQB) adopted the proposed regulation on July 11, 2023. *The proposed regulation is scheduled for publication in the Pennsylvania Bulletin on October 7, 2023.*
- Proposed Rulemaking – Water Quality Standards – Site-Specific Water Quality Criteria (#7-571): The draft proposed regulation was discussed with the Agricultural Advisory Board on March 15, 2023, and the Water Resources Advisory Committee on March 16, 2023. The EQB adopted the proposed regulation on July 11, 2023.
- Draft Final Rulemaking – Exclusion for Identification and Listing Hazardous Waste at MAX Environmental Technologies, Inc. Bulger and Yukon Facilities (#7-566): The draft final regulation was presented to the Solid Waste Advisory Committee on December 15, 2022.
- Final Rulemaking – Administration of the Land Recycling Program Vanadium MSC Rule (#7-572): The draft final regulation was presented to the Cleanup Standards Scientific Advisory Board on March 15, 2023. The EQB adopted the final regulation on July 11, 2023. The Independent Regulatory Review Commission (IRRC) *approved* the final regulation on September 21, 2023.

- Final Rulemaking – Noncoal Mining Clarifications and Corrections (#7-554): The EQB adopted the final rule on April 11, 2023. IRRC approved the final regulation on May 18, 2023. The final regulation was published in the Pennsylvania Bulletin on August 19, 2023.
- Final Rulemaking – Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices (#7-555): The EQB adopted the final rule on November 15, 2022. IRRC approved the final regulation on May 18, 2023. The final regulation was published in the Pennsylvania Bulletin on August 12, 2023.

Public Comment Periods

To see the latest DEP and EQB public comment periods, visit DEP's [eComment website](#).

Proposals Open for Public Comment

- *Interim-Final Environmental Justice Policy and Pennsylvania Environmental Justice Mapping and Screening Tool (PennEnviroScreen) Methodology Document (October 2023) (opened 9/16/2023, closes 10/29/2023)*
- *Environmental Assessment Approvals for PENNVEST Funding Consideration (October 2023) (opened 9/16/2023, closes 10/16/2023)*
- Proposed State Implementation Plan Revision; Attainment Demonstration and Base Year Inventory for the Philadelphia, PA Nonattainment Area for the 2015 Ozone NAAQS (opened 8/5/2023, closed 9/7/2023)

Recently Closed Comment Periods

- *Draft Technical Guidance: Land Application of Manure – A Supplement to Manure Management for Environmental Protection – Manure Management Plan Guidance (opened 8/26/2023, closed 9/25/2023)*
- Proposed State Implementation Plan Revision; Basic Inspection and Maintenance Program Certification for the Philadelphia, PA Nonattainment Area for the 2015 Ozone NAAQS (opened 8/19/2023, closed 9/20/2023)
- Pennsylvania's 2023 Annual Ambient Air Monitoring Network Plan (opened 7/29/2023, closed 8/28/2023)
- Guidelines for the Development and Implementation of Oil and Gas Well Site Integrated Contingency Plans for Unconventional Well Sites (opened 7/8/2023, closed 8/7/2023)
- Redrafted Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Small Flow Treatment Facilities (PAG-04) (opened 7/15/2023, closed 8/14/2023)
- Proposed General Plan Approval and/or General Operating Permit for Coal-Mine Methane Enclosed Flares (BAQ GPA/GP 21) (opened 7/1, closed 8/15)

Communications Monthly Press Releases

To see the latest DEP press releases, visit DEP's [news releases webpage](#).

Press Releases Issued

August 24 – Drought Watch Remains for 20 Counties, Lifted for 47 Counties

August 25 – Shapiro Administration Secures Methane Detectors for Rustic Ridge Community

August 29 – Shapiro Administration Expands Environmental Justice Protections with Updated Policy and Improved Mapping Tool

August 31 – Shapiro Administration Awards \$2.9 Million to Schools, Businesses, and Local Governments Working to Switch to Zero- or Low- Emission Vehicles

August 31 – DEP to Host Public Meeting on Bishop Tube Site in East Whiteland Township, Chester County

September 7 – DEP to Accept Public Comments on Modern Landfill Draft Discharge Permit

September 7 – DEP to Host Public Meeting and Hearing on Energy Transfer Marketing & Terminals, L.P. in Marcus Hook Borough, Delaware County

September 8 – Shapiro Administration Provides Additional Updates on Plum Stray Gas Investigation

September 12 – Shapiro Administration Secures \$100 Million from Monsanto to Help Pennsylvanians Impacted by Environmental Damages

September 15 – MEDIA ADVISORY – PHILADELPHIA – TODAY – DEP Secretary Rich Negrin Visits Philadelphia to kickoff Hispanic Heritage Month

September 19 – Department of Environmental Protection Outlines Plans to Ramp Up PFAS Monitoring Following Report

Active and Abandoned Mine Operations

Act 54 Effects of Underground Mining 6th Report

DEP has designated calendar years 2018-2022 to be the 5-year period for the 6th “Act 54” report. Through January 2023, DEP’s Bureau of Mining Programs (BMP) and California District Mining Office completed an update to the data records of claims, compliance actions, stream effects and wetland effects related to underground bituminous mining. BMP and California District Mining Office then arranged and packaged the data for submittal to the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) for peer review. OSMRE has recently informed DEP that they will not make specific recommendations on the program but will provide input as appropriate related to its status as the federal oversight agency. The draft report remains on track for completion in November 2023 when it will be routed for approval to publish. It is estimated that the final report will be publicly available, and specifically provided to the CAC, in January 2024.

Abandoned Mine Land (AML) Bipartisan Infrastructure Law (BIL) Funding

On August 30 Pennsylvania’s Federal Fiscal Year (FFY) 2023 BIL grant application was submitted for the Federal Department of the Interior, Office of Surface Mining Reclamation and Enforcement’s (OSMRE) review for a total grant application for \$244,786,476.00. Once approved, the length of the FFY 2023 BIL grant will be 5 years. This application is the 2nd of 15 BIL grant applications Pennsylvania can make for abandoned mine land (AML) reclamation. The FFY 2023 BIL grant application also included a subaccount application to implement the new STREAM Act. The STREAM Act allows AML programs to set aside up to 30% of the total grant value of \$244.7 million into the new STREAM Act Set-Aside Program fund for long-term AMD treatment work and/or mine fires and mine subsidence. Additional information is available on the BAMR BIL webpage at: [BIL/IJA Program \(pa.gov\)](https://www.pa.gov/bil/iija-program).

The 2023 AML/AMD Grant Program at [AML/AMD Grant Program \(pa.gov\)](https://www.pa.gov/aml-amd-grant-program) consists of three rounds and is meant to issue grants to eligible applicants for AML reclamation and AMD treatment or abatement. Non-governmental organizations and watershed groups are encouraged to submit AML, AMD, and Abandoned Mine

Land Economic Revitalization (AMLER) projects in their applications for reclamation grants funded by the AMLER program and AML and AMD funds authorized under the BIL. Nine eligible applications were reviewed for the first round of the 2023 grant program, which closed on April 28, 2023. *Final selection of the first-round applications has been made and a press release announcing the selected applications is currently pending. The second 2023 application round was open from July 3 until August 25, 28 applications were received and are currently being reviewed.* The third 2023 application round will be open from October 2 through December 2. The Applicants of projects that are not recommended for an award will be consulted with so they may resubmit their projects for future grant rounds.

Air Quality

Control of Existing Sources of VOC Emissions from the Oil and Natural Gas Industry

The final-form rulemaking for the control of VOC emissions from unconventional oil and natural gas sources and the final-omit rulemaking for the control of VOC emissions from conventional oil and natural gas sources were both published in the *Pennsylvania Bulletin* on December 10, 2022.

BAQ submitted the SIP revision to EPA on December 12, 2022. The EPA found the submittal administratively complete on December 14, 2022. This completeness determination rescinded the offset sanctions which took effect on June 16, 2022, and halted the imposition of Federal highway funding sanctions that were set to take effect in Pennsylvania on December 16, 2022. EPA will evaluate the approvability of this SIP submission in accordance with the applicable technical and RACT requirements of the CAA.

RACT III Major Sources of NO_x and VOC for the 2015 Ozone NAAQS

The rulemaking was published in the *Pennsylvania Bulletin* on November 12, 2022. The Federally mandated deadline for compliance by regulated facilities was January 1, 2023. A SIP revision was submitted to EPA on January 13, 2023, for their review and action.

GP-21, Coal-Mine Methane Enclosed Flare

On September 23rd, 2023 the Department published in the *Pennsylvania Bulletin* the issuance of General Plan Approval and/or General Operating Permit for Coal-Mine Methane Enclosed Flares. GP-21 authorizes the construction, modification, and/or operation of coal-mine methane enclosed flares which have actual emissions greater than what the Department considers de minimis emissions. An Application for Authorization to Use GP-21 may be submitted for the operation of coal-mine methane enclosed flare irrespective of the enclosed flare being exempted from plan approval requirements under 25 Pa. Code § 127.14. Permit instruction and application materials can be found on the Department's eLibrary.

Regulatory State Implementation Plan (SIP) Revisions

Reasonably Available Control Technology (RACT II)

On May 25, 2022, the EPA issued a proposed notice for a Federal Implementation Plan (FIP) addressing RACT requirements for certain sources in Pennsylvania. This FIP proposed to set emission limits for NO_x emitted from coal-fired electric generating units (EGUs) equipped with SCR controls to meet the RACT requirements for the 1997 and 2008 ozone NAAQS. The Department submitted comments in opposition to the FIP.

On May 26, 2022, DEP submitted a RACT II SIP revision for Homer City, Keystone, and Conemaugh EGUs. On June 6, 2022, DEP submitted a RACT II SIP revision for Montour EGU. All four facilities filed appeals to the Environmental Hearing Board regarding the terms and conditions of their RACT II permits.

On August 31, 2022, EPA published the final FIP setting emission limits for nitrogen oxides (NO_x) at Conemaugh, Homer City, Keystone and Montour EGUs. In the final rule, EPA adjusted its rate calculation for

facilities with more than one unit and made additional changes in response to technical information received. Conemaugh, Keystone, and Homer City filed petitions to review in the 3rd Circuit Court. On March 13, 2023, the 3rd Circuit denied the facilities’ motions to stay the March 29, 2023, FIP compliance date. On July 1, 2023, the Homer City EGU ceased operations and soon after dismissed its petition for review. Legal briefs were submitted, and *the Court has scheduled a hearing on the merits for November 6, 2023.*

Non-Regulatory SIP Revisions

2010 Sulfur Dioxide (SO₂) NAAQS Attainment Demonstration SIP Revisions

On August 18, 2022, EPA published a Final Partial Approval/Partial Disapproval of the Department’s SIP revision for Indiana and Armstrong Counties. The partial disapproval focused on the calculation of the SO₂ permit limit averaging periods. DEP must submit and EPA must approve a SIP revision within 18 months (by March 2024), or sanctions will apply. DEP published its proposed SIP revision on April 15, 2023. Three comments were received during the public comment period which closed on May 25, 2023. DEP will be submitting its SIP revision in the very near future.

On February 22, 2023, the EPA Region III Administrator sent Governor Shapiro a “120-Day Letter” proposing to reclassify several townships in Westmoreland County and Cambria County from “attainment” to “nonattainment” for the 2010 sulfur dioxide (SO₂) NAAQS. The area lies immediately outside of the current Indiana County SO₂ nonattainment area for which the BAQ is preparing a SIP revision. The Department reviewed the technical support document accompanying the 120-Day Letter and responded with comments on June 22, 2023. If a new designation is finalized, DEP is required within 18 months to submit a SIP revision demonstrating how the 2010 SO₂ NAAQS will be attained in these partial counties.

2015 Ozone National Ambient Air Quality Standards

On October 7, 2022, EPA published a final rule: Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standard (NAAQS). Of the 28 nonattainment areas nationwide, five areas attained the standard, 22 failed to attain it, and one area received an extension. Areas were required to attain the standards by August 3, 2021. The Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Area was reclassified to moderate nonattainment. The “bumped up” area includes Bucks, Chester, Delaware, Montgomery, and Philadelphia counties and is now required to attain the standards by August 3, 2024. The Department worked with EPA, NJ, MD and DE on the needed modeling and published the proposed SIP revision in the Pennsylvania Bulletin on August 5, 2023. *A public hearing was held on September 6, and the comment period closed on September 7, 2023. The Department is preparing a Comment/Response document.*

Air Quality Technical Advisory Committee

The next scheduled meeting is October 12, 2023.

Small Business Compliance Advisory Committee

The next scheduled meeting is October 25, 2023.

Energy Programs Office

Energy Security

EPO, via contracting with Smart Electric Power Alliance (SEPA), initiated a new statewide study to identify opportunities for deploying microgrids to increase the overall resilience for the state of Pennsylvania. Over the next year, this project will (1) engage stakeholders and collect data to determine prioritization and evaluation of

microgrids; (2) develop criteria and categories to prioritize microgrid sites based on several factors; and (3) develop microgrid use-cases and applications for varying facility-types, including preliminary sizing, conceptual design, and preliminary economic analysis. Stakeholder participation is a key aspect of this project. Stakeholders will include state government agencies, large energy consumers, electric utilities, industry EPCs and technology providers, environmental advocates, consumer advocates, state regulators, policy makers, community-based organizations, and industry association. The study will be completed May 2024 and published soon after. Findings and strategies derived through this project will calibrate and focus a future microgrid development pipeline for the Commonwealth driving resilience and clean energy benefits for Pennsylvanians. *EPO and SEPA have conducted several stakeholder meetings over the past month while collecting important datasets that will be utilized for the microgrid suitability criteria and deployment strategies.*

EPO's contractor, ProtoGen, has completed the initial feasibility studies for onsite generation and energy storage for the City of Philadelphia, City Meadville, Allegheny County, and Eldred Township. The delivery of these initial feasibility studies concludes Round 2 of ProtoGen's work with EPO to provide individual assistance for microgrid feasibility analysis.

EPO and DEP's Director of Emergency Response have coordinated monthly Fuels Sector Calls with the Pennsylvania Emergency Management Agency (PEMA) to provide situational awareness regarding supply concerns related to heating and transportation fuels. The next meeting is scheduled for *October 13, 2023*. The EPO and the liquid fuel industry are planning on hosting a liquid fuels exercise at the PA Petroleum Association Fall Energy Conference & Annual Meeting on October 11, 2023.

DOE accepted the revised State Energy Security Plan that was developed in September 2022. EPO is currently working with ICF Inc. via a contracted scope of work to provide assistance in improving the state energy security plan to include additional information on hazards as well as detailing additional appropriate responses to hazards and threats. *EPO staff is reviewing the Final Draft for completion.* The resulting updated energy security plan was submitted to DOE by September 30, 2023.

Climate Change Advisory Committee

The latest CCAC meeting was held Tuesday, August 22, 2023, in the Delaware Room of the Rachel Carson State Office Building, and via Microsoft Teams. The meeting featured a panel discussion with DEP Energy Programs Office staff and representatives from Southwestern Pennsylvania Commission, Lehigh Valley Planning Commission, and Delaware Valley Regional Planning Commission to provide briefs on Climate Pollution Reduction Grant planning efforts. EPO and their contractor for the 2024 Climate Impacts Assessment and Climate Action Plan, ICF, presented a draft project workplan, and solicited input from the committee. EPO provided a presentation on the Draft 2023 Greenhouse Gas Inventory Report (2020 data year). Public meeting links and meeting materials are available on the [CCAC webpage](#). *The next meeting will be held on October 24, 2023 in Room 105 of the Rachel Carson State Office Building, and via Microsoft Teams. The upcoming meeting will feature a progress update from EPO and their contractor, ICF, on the 2024 Climate Impacts Assessment and Climate Action Plan, an overview of the updated Environmental Justice policy, and a presentation from the Carlisle Borough on their local climate action planning efforts.*

There is currently one vacancy on the Climate Change Advisory Committee due to Joe Bastardi's resignation.

2024 Pennsylvania Climate Impacts Assessment and Climate Action Plan

Act 70, the Climate Change Act of 2008, requires several items from the Department, including development of a Climate Impacts Assessment (CIA) and Climate Action Plan (CAP) and updates to both every three years. Both documents are due to be updated in 2024. The CIA takes a risk-based approach to analyzing the consequences of climate hazards across different sectors. The CAP offers actions for leaders and includes

modeling of specific actions, highlighting those that are most cost-effective, and which reduce the most greenhouse gas emissions. The CAP also includes adaptation mechanisms to help Pennsylvanians adapt to climate impacts already being felt. *Project meetings are held via Microsoft Teams on a bi-weekly basis with ICF, the contractor who will be providing technical assistance to EPO as we develop these documents, as well as subcontractors from Penn State University, Inch and Meter, and InClime, who will assist with various portions of each document. DEP's areas of focus include equity, environmental justice, legislation recommendations, connection to the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA) funding, and energy rate analysis, as well as taking a closer look at health and economics in the CAP. Economic opportunities, attribution science, and the cost of inaction will be included in the CIA. A final CIA will be produced by March 2024 and a final CAP by June 2024. ICF will also provide updates at each of the upcoming Climate Change Advisory Committee meetings through June 2024 and incorporate the committee's feedback into the revisions of the documents.*

ICF presented at the latest Climate Change Advisory Committee meeting on August 22, 2023. An overview of the plans was presented, and initial feedback was provided from the committee.

Greenhouse Gas Inventory

Act 70, the Climate Change Act of 2008, requires the Department to develop an annual inventory of greenhouse gasses (GHGs) emitted in Pennsylvania. *In August 2023, EPO, with support from its contractor ICF, launched a project to conduct a thorough review of EPO's current GHG inventory development process. To date, EPO and ICF have reviewed the current inventory to identify potential new data sources to help improve accuracy of the inventory. ICF will provide recommendations to EPO for improvements including recommendations for data sources, graphical display and reporting of data, and incorporation of GHG emissions projections. This project will result in opportunities to produce a revised 2023 GHG inventory report and the use of additional EPA tools to produce higher quality reports into the future.*

Climate Network

On August 2nd EPO participated in the 3rd Climate Network Advisory Board Meeting. The Climate Network follows on from the previous Climate Academy activities which concluded in 2022. A Climate Network was established as a follow-in activity in 2022 through a multi-agency MOU has been formed to both continue to deliver baseline climate training to professionals both within state government and outside state government and also to create a safe platform to address the information sharing and efforts necessary to seriously address the impacts of climate change on our business units and in our communities. The third Board meeting addressed these topics: the Climate Change Training Series Launch, discussion of complementary events or initiatives that could be an opportunity to amplify or collaborate the PA Climate Network, identification of existing partnerships that could benefit from the climate trainings and/or may want to join the Network, and identification of materials, resources, or climate best practices that could be shared as a part of the Network website. ICF, the Network's consultant is coordinating and planning the launch of the training and the Network in the upcoming month.

Final work is being completed for introduction messages for the Climate Network training modules, the communications plan is also being finalized and rolled out. Tools and resources related to the topics covered in the Climate Network training from the participating state agencies are also being compiled to be made available to potential members and other stakeholders. There was an executive committee meeting on September 6th, and another on Wednesday September 20th, and the fourth Advisory Board meeting of the PA Climate Network was held on September 21st.

Shared Energy Manager

The Shared Energy Manager (SEM) program was designed to assist local governments in the Commonwealth of Pennsylvania with on-the-ground, practical support from a professional energy manager contracted by the DEP Energy Programs Office to conduct energy assessments, renewable energy studies, and other services to implement elements of their climate action plans. During the first two years, DEP recruited a total of 10 local governments which had previously participated in the Energy Programs Office's Local Climate Assistance Program (LCAP), to participate in SEM as part of the PA State Energy Program (SEP).

A request for proposal (RFP) for the next iteration of the Energy Programs Office's Shared Energy Manager program was released and put out for bids on August 7th, 2023, at 9:00am. This version of the program is being funded with \$3.5 Million from the State Energy Program Bipartisan Infrastructure Law (SEP-BIL) grant received from the US Department of Energy. The SEP-BIL funding will allow EPO to greatly expand the number of local governments that can participate in the program each year (4x) and run for four continuous years as opposed to each separate cohort concluding annually. *The RFP for the 4-year period from 2023-2027 closed on September 8th at 5pm. The proposals submitted were reviewed and a contractor is expected to be selected in early October. Additionally, the application survey was open for participants to apply for the 2023-2024 cohort until September 30th. The SEM cohorts will include approximately 20 participants each year through 2027, these will primarily be local governments (municipalities and counties) and school districts.*

Local Climate Action Program

State and local governments leading by example on climate action is a key component of mitigating climate change in Pennsylvania and one of the strategies recommended in the Pennsylvania Climate Action Plan (PCAP). The Local Climate Action Program (LCAP) provides free technical and personnel assistance to local governments that want to create their own greenhouse gas inventories and climate action plans with the goals of reducing emissions and combatting climate change. This includes engaging the community in the planning process, via in-person workshops, virtual meetings, and online surveys. The technical and personnel assistance is provided by EPO staff and university partners, including professors and students from Penn State University, Sustainability Institute; Wilkes University; and Drexel University, Environmental Collaboratory. The new 23-24 LCAP kicked off with the beginning of the fall 2023 semester. The 23-24 LCAP cohort includes ten participating local governments as well as the Pennsylvania Department of Conservation and Natural Resources:

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Drexel University's environmental collaboratory professors are working with Doylestown Borough and Doylestown Township to setup a CAPstone project for the 2023 Fall semester. Both the Township and Borough are proposing to work with Drexel students to analyze the feasibility of installing a large commercial solar rooftop system for their municipal buildings. Additionally, the Borough of Milford, PA started work on a CAPstone with students and a professor at Wilkes University in the summer semester of 2023 to continue the development of a climate action plan for the municipality which was started during Milford's participation in the PA DEP Local Climate Action Plan program.

Inflation Reduction Act (IRA)-Funded Climate Pollution Reduction Grants (CPRG)

US EPA released program guidance for the CPRG program on March 1, 2023. DEP submitted a Notice of Intent to Participate to EPA on March 10th, identifying DEP as the designee responsible for management and oversight of the grant on behalf of the Commonwealth. DEP submitted the application for the Planning Grants on April 24, 2023, and DEP expects to receive \$3M in non-competitive grant funds for climate pollution reduction planning. Management of this grant, and development of related deliverables and programs will be a joint effort of Energy Programs Office and the Bureau of Air Quality. Deliverables required by this grant include:

- A Priority Climate Action Plan (PCAP), due March 1, 2024
- A Comprehensive Climate Action Plan (CCAP), due 2 years from the date of award
- A status report, due at the close of the 4-year grant period

Three Metropolitan Statistical Areas (MSAs) within Pennsylvania have received confirmation from EPA that they are eligible to apply for CPRG Planning Grants. These MSAs include Philadelphia, Pittsburgh, and Allentown. DEP has begun coordination with the regional planning organizations which will be the lead organizations managing CPRG grants for the MSAs. DEP held an initial coordination call with Southwestern Pennsylvania Commission (SPC) on April 6th, Delaware Valley Regional Planning Commission (DVRPC) and Delaware Natural Resources and Environmental Control (DNREC) on April 13th, and Lehigh Valley Planning Commission (LVPC) on April 17th. DEP, with the assistance of ICF, held a Stakeholder Mapping Workshop on Thursday, June 22. This workshop brought together representatives from the three MSAs to plan a coordinated stakeholder outreach effort.

EPA expects to announce the Phase II competitive Implementation Grants in September, with an application due date in the first quarter of 2024. Entities eligible to apply for Implementation Grants include states who received CPRG Planning Grants, air pollution control agencies, municipalities, territories, tribes or groups of those entities which are covered by a PCAP. Only climate pollution reduction strategies included in the PCAP will be eligible for Implementation Grant funding; therefore, entities intending to apply for Implementation Grants are encouraged to proactively participate in the planning process. DEP will be conducting extensive stakeholder outreach during the Commonwealth's PCAP development, and potential stakeholders are encouraged to contact us via our resource account: ra-epclimate@pa.gov.

Preventing Outages and Enhancing the Resilience of the Electric Grid (40101(d))

The Infrastructure Investment and Jobs Act (IIJA) of 2021 established the 40101(d) formula grant program giving Pennsylvania the ability to access \$8.1 million per year—over a five-year period—to improve the resilience of the electric grid against disruptive events; a \$40.5 million investment total. EPO will use these funds to administer a competitive grant program to eligible entities in Pennsylvania. U.S. Department of Energy on June 14, 2023, announced Pennsylvania was selected to receive the first round of funding (combined Year 1 and Year 2), totaling \$16.2 million, in Grid Resilience State and Tribal Formula Grants.

The Pennsylvania Grid Resilience Grants program will provide financial assistance in the form of competitive grant funds that will be used by eligible entities to improve the all-hazards resilience of the electric grid and prevent disruptive events. EPO has continued to engage and receive feedback from stakeholders through virtual meetings with PA PUC, regulatory agencies, NASEO, electric distribution companies, Pennsylvania Rural Electric Association, and Pennsylvania Municipal Electric Association. EPO is currently formalizing their 2023 grant guidelines and official solicitation process and expects to make grant applications available early October 2023.

Toolkit for Solar on Schools in Pennsylvania

The Energy Programs Office (EPO), with support from its contractor the Philadelphia Solar Energy Association, has initiated work on developing a Toolkit for Solar on Schools in Pennsylvania. The goals of this

project are to accelerate adoption of solar energy on schools and nonprofits statewide by educating key decision makers and streamlining processes, maximize Pennsylvania's utilization of federal funding made available through the federal Inflation Reduction Act (IRA) and the federal Infrastructure and Jobs Act (IIJA), and reduce soft costs and shorten the learning curve for solar adoption at schools. The Toolkit will include information on the key elements of a solar PV system, how to determine if a property is a good location for solar, how to estimate savings and financial return, an overview of the solar installation process, a discussion of ownership models and contracts, and information on financing options and incentives, including new opportunities afforded by the Inflation Reduction Act. In addition to development of the toolkit, the project will provide technical assistance to school districts looking to implement solar energy projects, as well as conduct four webinars or conference presentations outlining how to use the toolkit and provide information about available financing and financial incentives. The first webinar, hosted in partnership with the Philadelphia Higher Education Network for Neighborhood Development, took place on May 4, 2023. A June 8 webinar focused on case studies of schools that have already deployed solar energy projects, and the topic of the June 29th webinar was financing projects. The project has a planned completion date third quarter 2023 and is being funded through DEP's State Energy Program funds from DOE.

Grid-Scale Solar Development on Previously Impacted Mine Lands in Pennsylvania Assessment:

The Energy Programs Office has been exploring in-depth the different challenges associated with siting grid-scale solar development on previously mined lands to gain a better understanding of the roles and responsibilities of the different stakeholders involved in the development process. EPO has been attempting to identify factors which lead to successful deployments to develop actionable recommendations to improve processes and other factors involved in siting. The Energy Programs Office (EPO), in partnership with the project team from the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (ECAMR) and LaBella Associates, conducted a summit in State College on July 19th to disseminate the initial findings from the Assessment of Opportunities for Grid-Scale Solar Development on Previously Impacted Mine Lands in Pennsylvania report which is currently in development. The summit provided an opportunity to share initial findings and recommendations and incorporate feedback into the final report. The summit also provided a forum for over 80 attendees representing sectors such as solar developers, site engineers, landowners, local government, non-profits, and academia working in the solar development and mine reclamation sector to network. The project has a planned completion date third quarter 2023 and is being funded through DEP's State Energy Program funds from DOE.

Building Energy Code Trainings

Using funding through the U.S. Department of Energy's (DOE) State Energy Program, DEP has sponsored energy code trainings for building code officials, contractors, design professionals and builders for over 10 years. On February 14, 2022, the 2018 International Energy Conservation Code (IECC) went into effect for all new construction and major renovations for residential and commercial buildings. To date, EPO's Contractor, Performance Systems Development completed 21 trainings on IECC residential and commercial energy building codes and remote virtual inspections for a total of 525 code officials, designers, developers and builders. The contract calls for a total of 23 virtual or in-person trainings *two additional trainings were able to be scheduled for a total of 25* through September 30, 2023. Additionally, *the contract called for development of an online, asynchronous training and subsequent deployment of the training that provides the same credits as the live courses.* The asynchronous course has gone live with marketing underway.

Cooking in Healthy Electrified Commercial Kitchens (CHECK)

The CHECK program is a combined education and rebate program aimed at electrifying commercial kitchens by incentivizing combustion-free ENERGY STAR certified equipment, induction cooking equipment, and demand-controlled ventilation. The CHECK program was launched in October of 2022 with contractor Forward Dining Solutions. To date, EPO and Forward Dining Solutions have completed *Six* in-person workshops demonstrating induction cooking equipment and explaining the rebate program, the most recent of

which were held at *RE Farm Café in State College on September 15th* and *Drexel University Food Lab on October 5th* five live educational webinars on energy-efficient, all-electric commercial kitchens and the CHECK rebates have been conducted, the most recent of which was held on *September 25th*. Twelve people tuned into the webinar. All webinar recordings are available on the CHECK webpage. Rebate applications are open through December 31st of 2023. *Eighteen* rebate applications have been received, of which *15* vouchers have been issued and *3* have been redeemed. The next in-person workshop is scheduled for *October 5th at Drexel University*.

Alternative Fuel Incentive Grant (AFIG)

The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania and investment in Pennsylvania's energy sector. Approximately \$3 million in grants is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in the commonwealth.

The program began accepting applications for 2023 starting June 30. The first application acceptance period ended on August 25. Applications will be evaluated and scored and recommendations for funding developed. The second application acceptance period ends December 15, 2023.

The program held its first virtual session on August 29 and the second in-person education session for PA Municipal EV Education program on September 13. The sessions were led by the awarded contractor, Wilson Engineering Services. Additional virtual sessions are scheduled for later in September and October. The program will then provide direct technical assistance to four municipalities that participate in the education sessions and will develop a Municipal EV guidebook for Pennsylvania

Climate Action for Environmental Justice Communities

EPO has been assessing priorities in developing a strategy for the deployment of federal funding from Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) to the greatest effect for Environmental Justice Communities. EPO is preparing to release a report developed by a contractor, Preservation Design Partnership (PDP), that will summarize the feedback and results of a community engagement process regarding this topic which was undertaken in the Spring of 2023. Specifically, this report will provide an accounting of the top funding priorities raised by Environmental Justice communities throughout this process. This feedback from Environmental Justice Communities will inform the 2024 Climate Impacts Assessment and Climate Action Plan. PDP's report is expected to be released in the *fourth* quarter of 2023, with a federal funding prioritization to follow likely in the first quarter of 2024, and the PA Climate Action Plan later in 2024.

Inflation Reduction Act (IRA)-Home Energy Rebates

EPO is developing two programs within the Inflation Reduction Act Home Energy Rebates, Home Owner Managing Energy Savings (HOMES) and High-Efficiency Electric Home Rebate (HEEHR a.k.a. "hear"). The HEEHR Program will provide point-of-sale consumer discounts to enable low- and moderate-income households across America to electrify their homes. These point-of-sale rebates are an immediate, off-the-top discount when making qualifying electrification purchases. The HOMES Rebate program is meant to encourage performance-based residential energy efficiency retrofits. This will ensure that Pennsylvanians with the highest energy burdens can better-afford upgrades. EPO contracted with Deloitte for technical assistance related to the development of the HOMES and HEEHR programs. The technical assistance included market research, program design, and data architecture.

Infrastructure Investment and Jobs Act Energy Update (IIJA) and Inflation Reduction Act (IRA)

DEP's Energy Programs Office (EPO) has been applying for and deploying several programs:

- Preventing Outages and Enhancing the Resilience of the Electric Grid (\$40.5 million) - Pennsylvania's year one allocation is \$16.2 million. DOE's Grid Deployment Office announced the award to Pennsylvania DEP on June 14, 2023.
- State Energy Program (\$14 million) – Application was submitted December 1, 2022. EPO received notice of the award on May 22nd, 2023.
- Energy Efficiency and Conservation Block Grant Program (\$3.0 million) – DOE released funding guidance and application documents on January 18, 2023. The application was submitted July 20, 2023.
- Energy Efficiency Revolving Loan Fund (\$3.3 million) – DOE released funding guidance and application documents on November 15, 2022. EPO submitted its application May 18th.
- Resilient and Efficient Codes Implementation Funding (competitive, \$45 million annually for 5 years) - EPO applied on March 27, 2023, for \$3.25 million to conduct a workforce and compliance project and in partnership with the Northeast Energy Efficiency Partnerships and the state of Delaware for funding for a code compliance study for \$2 million. EPO was awarded \$3 million and the partnership project was awarded \$2 million. Final statements of project objectives and budgets are in negotiations with US DOE for both projects, with an anticipated start date in early 2024.
- Home Energy Performance-Based Whole House Rebate Program (HOMES) (\$12.9 M per year for PA for 10 years) & High-Efficiency Rebate Program (HEAR) (\$12.9 M per year for PA for 10 years). - EPO submitted two applications for the administrative funding on June 20, 2023. The formal HOMES and HEAR formula grant application opportunities were released July 27th. It will remain open and reviewed on a rolling basis through January 31, 2025.
- State-Based Home Energy Efficiency Contractor Training Grants (CTG) (~\$200 M nationally through September 30, 2031). - Formula grant (\$150 M) available for state energy offices with grants to develop and implement a state workforce energy program that focuses on energy efficiency, electrification, and clean energy improvements, including those covered under the Home Energy Performance-Based, Whole House Rebate Program (HOMES) and the Home Electrification and Appliance Rebate Program (HEAR). PA's allocation is \$4,960,910. ALRD released July 17, 2023; due *January 31, 2024*.
- Climate Pollution Reduction Grants Program (CPRG) - The CPRG is a two-stage program, formula planning grants followed by competitive implementation grants. DEP received notice of our \$3 million award for planning on June 28, 2023. Three Metropolitan Statistical Areas (MSAs) within Pennsylvania (Philadelphia, Pittsburgh, and Allentown) have each received \$1 Million CPRG Planning Grants. DEP has begun coordination with the regional planning organizations which will be the lead organizations managing CPRG grants for the MSAs. Implementation Grant Notices of Funding Opportunity is expected September 2023.
- Solar for All competition providing up to 60 grants to States, Tribal governments, municipalities, and nonprofits to expand the number of low-income and disadvantaged communities that are primed for residential and community solar investment. (\$7 billion nationally) - EPA announced the release of the Greenhouse Gas Reduction Fund's Solar for All Notice of Funding Opportunity on June 28. DEP/PEDA submitted a Notice of Intent on July 26, 2023. Full applications are due *October 12, 2023*.

Environmental Cleanup and Brownfields

Environmental Cleanup and Brownfields Rulemakings

Draft Final Rulemaking: Administration of Land Recycling Program - Vanadium MSC Rule

The Land Recycling Program developed a proposed rulemaking to update the Statewide health standard medium-specific concentrations (MSCs) for vanadium listed in Appendix A of Chapter 250 in June 2021. The proposed rulemaking addresses the vanadium toxicity value and the corresponding changes to the soil and groundwater numeric values. The EQB adopted this proposed rule on May 18, 2022. The proposed rulemaking was published in the Pennsylvania Bulletin on July 30, with a 30-day public comment period which ended on August 29, 2022. One comment was received during the public comment period. The Independent Regulatory Review Commission's (IRRC) comment period ended on September 28, 2022. IRRC had no comments on the proposed rulemaking. DEP evaluated and responded to one public comment received which will be provided in the Comment & Response Document as part of the final-form rulemaking process. The draft final-form rulemaking was presented to the Cleanup Standards Scientific Advisory Board on March 15. The draft final regulation was approved by EQB on July 11, 2023, and deemed approved by IRRC at their meeting on September 21, 2023.

Draft Proposed Rulemaking: Administration of Land Recycling Program - Chapter 250 Update

DEP is preparing a proposed rulemaking to address Statewide health standard MSCs including the soil lead values and Polycyclic Aromatic Hydrocarbons (PAHs). At the June 30, 2022, and August 11, 2022, CSSAB meetings, the lead and PAH workgroups presented their conclusions and recommendations to DEP on the issues of lead and PAH toxicity. The PAH workgroup recommended that DEP use the 1993 relative potency factors from EPA that were referenced in the development of the benzo[a]pyrene IRIS toxicological values. The lead workgroup recommended that DEP adopt 5 µg/dL as the target blood lead level for the calculation of the soil direct contact values and also recommended that DEP allow for the use of averaging attainment data for the demonstration of attainment of the lead direct contact statewide health standard. DEP presented the draft proposed regulation to the Cleanup Standards Scientific Advisory Board on October 20, 2022, January 23, 2023, and May 31, 2023. DEP anticipates presentation of the proposed rulemaking to EQB for consideration in the fourth quarter of 2023.

Cleanup Standards Scientific Advisory Board (CSSAB)

The CSSAB held a meeting on May 31, 2023, where DEP presented an overview of updates to the Technical Guidance Manual as well as some changes to the annex of the proposed rulemaking. Information about the meetings can be found through the Public Participation tab on the DEP web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields Advisory Committees," then "Cleanup Standards Scientific Advisory Board"). The next CSSAB meeting is scheduled for November 9, 2023.

Storage Tank Advisory Committee (STAC)

The Storage Tank Advisory Committee (STAC) met on September 6, 2023. Randy Martin, Chief, Division of Storage Tanks, reviewed the STAC membership list and indicated that 15 of the 16 positions are filled. The one vacancy that currently exists represents local government, and a letter of interest has been submitted for consideration. This vacancy is currently working through the approval process. Richard Burgan, Director, Bureau of Special Funds, Department of Insurance, provided an update regarding the Underground Storage Tank Indemnification Fund. Walter Remmert, Director, Bureau of Ride and Measurement Standards, Pa. Dept. of Agriculture, provided an overview of fuel quality and octane testing performed by that program. DEP staff provided updates, including program statistics, an explanation of industry standards acceptable for emergency generator piping, and an update on the program's Quick Pay Online Fee Payment system.

The next Storage Tank Advisory Committee (STAC) meeting is scheduled for December 13, 2023.

Environmental Education

DEP Environmental Education Grants Program

The DEP 2023 Environmental Education Grants program began July 1, 2023 and will conclude June 30, 2024. This grant program awarded more than \$1 million to fund 70 environmental education projects throughout the state. 54 of the 70 projects will engage people living, working and/or attending school within environmental justice areas.

DEP began accepting applications for the 2024 Environmental Education Grants program on August 1, 2023, with an application deadline of November 15, 2023. Priority funding will be awarded to projects that engage audiences within Environmental Justice (EJ) areas on topics addressing Climate Change and/or Water.

Up to \$5,000 may be awarded for local Mini-grant projects. General Grant Level I funding (\$5,001-\$30,000) may be awarded for implementation of large-scale (such as multiple communities or school district, county or state-wide) projects. Up to \$65,000 may be awarded for General Grant Level II projects that provide opportunities for engagement of teachers and students (at least 30% EJ) from at least 60 counties at three levels: local, state and national.

An EE Grants Program webinar is slated for September 26 from Noon-1:30 p.m.

Information about the DEP Environmental Education Grants Program, including the current EE Grants Program manual, is available at: [Environmental Education Grants Program](#).

Questions concerning the Environmental Education Grants Program should be directed to the DEP EE&IC at RA-epEEgrants@pa.gov.

Academic Standards Update

Science, Technology & Engineering, Environmental Literacy and Sustainability (STEELS) Standards

The newly adopted STEELS Standards are designed for implementation July 1, 2025. Educators are encouraged to access the [STEELS hub](#) to receive ongoing New and Noteworthy updates.

2023 PA Envirothon

The Pennsylvania Envirothon Inc. received a General Grant Level II in the amount of \$65,000 to support program efforts at the local, state and national levels. The 40th PA Envirothon Competition was held on May 24th at Camp Mount Luther, Mifflinburg, PA. Addressing the current issue topic, “Adapting to Climate Change,” 63 county teams participated. The PA team performed exceptionally well, taking second place at the National competition that was held in New Brunswick, Canada.

In addition to the Environmental Education grant, DEP’s support included serving as oral component judges and offering a teacher session at the field event.

Get the Pennsylvania State Envirothon Updates, Annual Reports and Results on their Media Page. [Media Page](#)

Falcons

The 2023 Falcon season is drawing to a close. The new RCSOB pair, 85/AK and 09/BS, hatched three chicks within a 7-hour span on May 9. Twenty-nine days later, on June 7, the PA Game Commission banded the three eyasses, blue, yellow and green. More than 50 volunteers participated in the Watch & Rescue efforts during the June fledging period.

Sue Hannon, the DEP Falcon Coordinator reports, “Now thoroughly at home in the sky, the three young falcons are rapidly gaining the skills needed for survival as adult falcons. Soon they will depart to make their way in the world, and we hope to learn of them as nesting falcons in a few years.”

Teaching Green Newsletter

The summer issue of the DEP’s teaching Green newsletter, Volume 19, was distributed on August 17, 2023. The issue can be accessed at: <https://www.dep.pa.gov/Citizens/EnvironmentalEducation/Pages/Teaching-Green.aspx>.

Environmental Justice

Environmental Justice Executive Order

Former Governor Wolf signed an Environmental Justice Executive Order 2021-07 in October 2021 making permanent the Office of Environmental Justice (OEJ) and Environmental Justice Advisory Board (EJAB) and creating the Environmental Justice Interagency Council (EJIC). DEP currently holds EJIC meetings on the last Thursday, of every other month. Under the terms of the Executive Order, DEP will develop an agency EJ Strategic Plan and may also revise the EJ Policy and create EJ mapping tools.

Environmental Justice Planning

DEP *has adopted* the Interim- Final Policy, built from years of public engagement on this topic. DEP’s OEJ has taken comments and concerns about the current Environmental Justice Public Participation Policy DEP has had in place since 2004. Comments of a previous revision effort from 2017, and an extensive outreach on the draft policy received in 2022, to include in this policy. Public Comment Meetings *have been* scheduled with dates being released *on DEP’s website and* in the Pennsylvania Bulletin.

DEP is also updating where the policy applies. The PennEnviroScreen tool is a publicly available, state of the art mapping tool, built on proven national models, that will allow DEP to more accurately identify communities facing environmental justice issues. DEP is engaged in a department-wide effort to improve the efficiency and quality of our permitting process. This new approach, in the environmental justice context, will not add a single day to DEP’s permitting process.

OEJ continues to convene the Environmental Justice Internal Work Group to inform and educate DEP staff and solicit feedback on critical environmental justice initiatives within DEP, such as the EJ Policy.

Environmental Justice Advisory Board

EJAB convened on Tuesday, August 15. The meeting included DEP updates on the Office of Environmental Justice, Federal Funding updates, as well as updates on Climate Action for Environmental Justice Communities Program and featured roundtable discussions on Abandoned Mine Reclamation and the Lackawanna River. The next EJAB meeting will be a joint meeting with the CAC and is scheduled for Tuesday, November 14.

OEJ Initiatives

Language Access Services OEJ worked with the Office of Administration (OA), Communications, and other programs to finalize and internally publicize a translation and interpretation process for DEP. OEJ developed an outline of the process for obtaining language access services and assisted the Policy Office with their translation of RGGI materials and Spanish language interpretation for RGGI hearings. OEJ worked with the OA to get billing and contracting in place for phone-based interpretation services. OEJ convened meetings with several DEP offices to discuss the roll out process for all DEP staff and available language access services have been shared internally with DEP staff. A Language Access Coordinator was identified from the Communications Office. The Language Access Coordinator is being included in commonwealth-wide language access coordinator calls arranged by the OA and are starting the process of creating a Language Access Plan for DEP.

Brownfields Technical Assistance Grant

EPA has awarded DEP a Small Communities Assistance pilot grant for the past three years to assist a small, disadvantaged community on providing training, research and technical assistance for addressing brownfields redevelopment. DEP was awarded the Small Communities Assistance grant again for the 2022 fiscal year and is working with Oil City in Northwest Pennsylvania. The Oil City report was finalized, and the project concluded in June 2022. OEJ assisted in getting application support materials for the 2023 fiscal year applicant, Mahanoy City Borough in Schuylkill County. This program is set to receive an infusion of funding that may allow it to work with more and different types of communities but will keep a focus on communities facing EJ issues. OEJ has joined DEP's Brownfields staff to help introduce this project to municipalities facing EJ issues.

Alternative Fuel Vehicle Rebate Information Sheet

OEJ worked with the Energy Programs Office (EPO) and Office of Communications to develop a sheet that highlights the available resources that can make an electric or plug-in hybrid vehicle purchase more affordable. In particular, the sheet was developed to address the lack of awareness around the rebate's applicability to the purchase of a one-time pre-owned vehicles, and the availability of additional funds for low-income households. In addition, the sheet describes available federal and electric distribution company incentives. The Alternative Fuel Vehicle Rebate guidelines have been recently revamped to add income caps to aid low to moderate income families in purchasing alternative fuel vehicles. OEJ is working with EPO on a revamp of the sheet, it will soon be found on the EPO webpage.

Grants

OEJ is working with DEP's Grants Center and individual programs to track grant participation in EJ Areas and incorporate EJ consideration into program area grants. OEJ is supporting the Grants Office and other offices in developing outreach materials about the DEP grantmaking process. OEJ is also participating in an interagency group assessing overarching principles for advancing equity in Commonwealth grantmaking.

Outreach on Key DEP Initiatives

OEJ is working with the Policy Office regarding inclusion and evaluation of equity and EJ considerations in the development of the 2021 Pennsylvania Climate Action Plan. OEJ is working with EPO and community partners on outreach and engagement for the Pennsylvania Climate Action Plan 2024, through the Climate Action for Environmental Justice Communities Program and events.

Oil and Gas

Oil and Gas Rulemakings

Proposed Environmental Protection Performance Standards for Conventional Oil and Gas Operators Rulemaking

In 2016, the General Assembly passed Act 52, which abrogated the ongoing rulemaking process regarding conventional oil and gas wells and established the Pennsylvania Grade Crude Oil Development Advisory Council (CDAC). Act 52 directed DEP to work with CDAC to "examine and make recommendations regarding existing technical regulations promulgated under 58 Pa.C.S. (relating to oil and gas) ... that impact the conventional oil and gas industry of this Commonwealth and explore the development of a regulatory scheme that provides for environmental oversight and enforcement specifically applicable to the conventional oil and gas industry." From 2016 to the present, the Office of Oil and Gas Management (OOGM) has worked with CDAC to develop potential legislation and proposed regulations relating to conventional oil and gas wells.

Because discussions did not result in viable legislation, DEP proceeded with the development of a draft proposed conventional oil and gas rulemaking and advanced the regulatory concepts via two rulemaking

packages during 2020. The first rulemaking relates primarily to the proper management of waste generated at conventional oil and gas well sites; the second rulemaking addresses other critical environmental protection performance standards at such sites.

On August 6, 2020, the OOGM first presented these two draft proposed rulemakings to CDAC. On September 17, 2020, DEP also informed the Oil and Gas Technical Advisory Board (TAB) of discussions with CDAC regarding the draft proposed rulemakings and shared copies of both draft proposed rulemakings. During a series of meetings from December 3, 2020, through September 9, 2021, OOGM staff, CDAC, and TAB continued to discuss and review the draft proposed rulemakings. At its regularly scheduled meeting on December 16, 2021, OOGM staff shared the final version of the Environmental Protection Performance Standards for Conventional Oil and Gas Operators draft proposed Annex with CDAC members. This provided CDAC with an opportunity to adopt written comments to the Environmental Quality Board (EQB) in accordance with section 5 of Act 52 of 2016 (58 P.S. § 1205). The CDAC Regulatory Subcommittee prepared formal comments in February 2022 and March 2022 and presented them to the full council on April 21, 2022. CDAC voted to accept the comments and will submit them to DEP to accompany the rulemaking when it is submitted to the EQB.

The Department discussed the Chapter 78 proposed Waste Management rulemaking with CDAC at the first meeting of 2023 on February 16 that was conducted at Pennsylvania Western University, Clarion. The Chapter 78 proposed Waste Management rulemaking was also discussed at the CDAC meeting on Thursday, May 25.

Infrastructure Investment and Jobs Act (IIJA) Initial Grant

The U.S. Department of the Interior (DOI) approved the application as submitted for the full \$25 million Initial Grant on August 25, 2022, with an effective “date of receipt” of October 1, 2022. The award allows for up to \$2.5 million to be allocated to DEP to cover administrative costs associated with administering the Initial Grant. Based on DEP’s application, all Initial Grant funding will be used for well plugging contracts or administrative costs.

DEP expects to plug a total of 226 orphan and abandoned wells using \$22.5 million of the Initial Grant funding and possibly \$2.3 million in future IIJA grant allocations (i.e., Formula Grant Funding). DEP has allocated up to 10 percent (\$2.5 million) of the Initial Grant funding toward administrative costs to implement the program.

In the first round, DEP published five separate invitations to bid in the Commonwealth’s electronic bid solicitation tool called “Bid Express” (www.bidexpress.com). This round will result in the plugging of 80 abandoned wells. DEP opened all bids on November 3, 2022. The anticipated amount of funding to be awarded to all projects in the first round of contracts is approximately \$7.5 million.

The bid estimates for the second round include eight invitations that are projected to cost about \$17.3 million to plug 146 additional abandoned wells. All Bid Openings occurred by the end of February 2023 and “Notices to Proceed” have been issued for seven successful bidders and the Department will soon award the final bid. As of June 21, 2023, 46 wells have been plugged via the Initial Grant Program.

For federal grants, the Department must limit its work to within the period of performance as listed in an approved federal grant agreement. The original period of performance for the IIJA Initial Grant was scheduled to end on September 30, 2023. Without approval from the U.S. Department of Interior (DOI) to extend this period of performance, the Department cannot enter into contracts with well plugging companies where plugging work extends beyond this period of performance.

On Friday, May 12, the Department submitted a request for a no-cost extension of performance period from September 30, 2023, to December 31, 2024. The justification for this request was based on the length of time

for a contractor to complete all plugging work that exceeds the current period of performance. On Wednesday, June 14, 2023, the Department received notice from DOI that the no-cost extension of performance was approved, and the period of performance has been extended to December 31, 2024.

On August 15, the US Department of Interior acknowledged receipt of the “Certification of Funding Obligation Compliance Form that outlines the obligation of 100% of the IJA Initial Grant Funding by September 30, 2023, which concludes the first federal year of the Initial Grant.

As of *September 18, 2023*, a total of 82 wells have been plugged and steady progress continues on the plugging of the remaining orphan and abandoned wells that are included in this Initial Grant.

Draft Formula Grant Guidance Published by U.S. Department of the Interior

On January 25, 2023, the U.S. Department of Interior (DOI) distributed the draft Formula Grant Guidance for “Round 1” to the Interstate Oil and Gas Compact Commission (IOGCC) to share with the nation’s oil and gas producing states. The IOGCC represents most oil and gas generating states and Pennsylvania is a member. DOI released the draft formula grant guidance by [posting a press release and the draft guidance](#) on the department’s website.

The IOGCC hosted a meeting with the DOI on Wednesday, February 15 to discuss the draft guidance. On March 16, the DOI convened a meeting of the Orphan Well Data Management Workgroup with the IOGCC, Groundwater Protection Council and states. On March 17, the DOI hosted a meeting with IOGCC and states to further discuss the draft Formula Grant Guidance.

The DOI initially requested comments from states on the draft guidance document by February 14, 2023; however, DOI extended the submittal date to Friday, March 24, 2023. On Thursday, March 23, the Department of Environmental Protection submitted comments to the DOI regarding the draft Formula Grant Guidance.

On Friday, June 23, the Department received a copy of the edits to the draft final Formula Grant guidance along with a draft FAQ document from the Interstate Oil and Gas Compact Commission (IOGCC). On July 10, the U.S. Department of Interior issued a press release that announced the availability of nearly \$660 million to 26 states for the plugging of orphan and abandoned wells. <https://www.doi.gov/pressreleases/biden-harris-administration-invests-660-million-states-plug-orphaned-oil-and-gas-wells> Pennsylvania will be awarded \$76,406,474 in this first phase and will receive a total of \$305,625,896 over the remaining phases of the Formula Grant. Eligible states may submit their applications by December 31, 2023. The program is working with Fiscal Management to prepare and assemble the necessary documents to submit the Formula Grant application. *Since the Department of Energy recently announced the availability of applications the Methane Emission Reduction Program with an aggressive application deadline; therefore, the oil and gas Program has turned its immediate attention to completing this application.*

Erosion and Sediment Control General Permit (ESCGP-3) Prioritized Review Workgroup

Innovative approaches through design and implementation of environmentally enhanced Best Management Practices (BMPs) and superior construction practices reduce environmental impacts from oil and gas operations. To incentivize these technologies and practices, DEP intends to replace the Erosion and Sediment Control General Permit (ESCGP) Expedited Review process with a Prioritized Review process that will allow for voluntary participation by industry. Permit applications submitted as Prioritized Review will be given a score based on proposed BMPs and environmentally superior construction practices. High-scoring projects will be given priority and will be reviewed before projects that are not submitted as Prioritized Review.

DEP presented revised documents to TAB at its December 16, 2020, meeting. This technical guidance document (TGD) was published as draft for public comment in the Pennsylvania Bulletin on August 28, 2021,

initiating a 30-day public comment period that closed on September 27, 2021. DEP received 194 comments and is continuing to review the comments and prepare responses.

Inflation Reduction Act (IRA) - Methane Emissions Reduction Program (MERP)

On Wednesday, August 30, the U.S. Department of Energy (DOE) announced the availability of up to \$350 million nationwide in formula grant funding to help monitor and reduce methane emissions from the oil and gas sector and for environmental restoration of well sites. The goal of MERP is to help oil and gas well owners, and operators of applicable facilities, voluntarily and permanently reduce methane emissions from leaks and daily operations of low-producing conventional wells on non-federal lands. Based on the federal MERP grant formula, Pennsylvania's allocation is \$33,675,097 which is the third highest behind Texas and Kansas. The original deadline for states to apply for this funding was to be September 30, 2023; however, the Department of Energy announced that the deadline has been extended to October 10, 2023. The Office of Oil and Gas Management is working diligently to prepare applications materials in order to meet this deadline.

Radiation Protection

Radiation Protection Rulemakings

Radiation Protection Advisory Committee Meeting

The next Radiation Protection Advisory Committee (RPAC) meeting is scheduled for October 19, 2023. Participants will be able to join in-person or remotely. The meeting will be held at the Rachel Carson State Office Building, 14th Floor Conference Room, at 9 a.m.

Waste Management

MAX Environmental Technologies, Inc. Delisting – Bulger Facility and Yukon Facility Rulemaking

On May 2, 2019, DEP received two petitions from MAX Environmental Technologies, Inc. (MAX) to delist certain hazardous waste at their Bulger and Yukon facilities. DEP reviewed the petitions in accordance with the Environmental Quality Board's Petition Policy in 25 Pa. Code Chapter 23 and determined the petitions meet the conditions in Section 23.2 for further review. The Department notified MAX on June 3, 2019, that the petitions would be submitted to the Environmental Quality Board (EQB) for consideration at its next meeting. At the EQB meeting held on Tuesday, June 18, 2019, DEP summarized the petitions for the EQB and recommended that the EQB accept the petitions for further study. The EQB adopted a motion to accept the petitions. DEP completed its evaluation of the petitions and prepared a report that summarized the evaluation and made a recommendation that the delisting petitions be accepted for rulemaking; the EQB adopted a motion to accept the delisting petitions and advance them for rulemaking at its June 16, 2020, meeting.

The EQB adopted the proposed rulemaking on September 21, 2021. A copy of the proposed rulemaking as adopted is available on the Board's webpage. The proposed rulemaking was published in the Pennsylvania Bulletin on January 8, 2022, opening a 45-day public comment period that concluded on February 22, 2022. The Board also held three public hearings on the proposed rulemaking on January 19, 20, and 26, 2022. DEP presented the draft final rule to SWAC at its December 15, 2022, meeting, where the Committee voted unanimously to support moving the rule to EQB for consideration.

DEP anticipates presentation of the final-form rulemaking to EQB for consideration in the fourth quarter of 2023.

Solid Waste Advisory Committee (SWAC)

The next regular SWAC meeting will be held on Thursday, October 19, 2023. The meeting will be held jointly with the annual RFAC meeting. Additional information is available on the [SWAC website](#).

Recycling Fund Advisory Committee (RFAC)

The 2023 annual RFAC meeting will be held on Thursday, October 19, 2023. The meeting will be held jointly with SWAC. Additional information is available on the [SWAC website](#).

Water Programs

Water Programs Rulemakings

Dunbar Creek et al. Stream Redesignations

Section 303(c)(1) of the Federal Clean Water Act (33 U.S.C.A. § 1313(c)) requires states to periodically review and revise, as necessary, water quality standards. The water quality standards evaluated in this rulemaking are the designated uses of surface waters. The regulatory changes in this proposed rulemaking are the result of stream evaluations conducted by the Department. The proposed rulemaking includes redesignation recommendations for seven streams in response to stream evaluations conducted by the Department. Stream evaluations were conducted in response to three rulemaking petitions that were previously accepted by the EQB, requests by the DEP Regional Programs and the Pennsylvania Fish and Boat Commission, ongoing statewide monitoring activities, and an error identified in Chapter 93. Redesignation recommendations include more restrictive use and less restrictive use recommendations. The proposed rulemaking was adopted by the EQB on April 20, 2021. The proposed rule was published in the Pennsylvania Bulletin on July 31, 2021, with a 45-day public comment period that closed on September 14, 2021. A public hearing was held on August 30, 2021, where three witnesses provided testimony. The EQB adopted the final-form rulemaking on April 11, 2023. IRRC voted to approve the final-form rulemaking on May 18, 2023. The Dunbar Creek Stream Redesignation final-form rulemaking was published in Pennsylvania Bulletin on June 24, 2023. Following the publication of the final rulemaking in the Pennsylvania Bulletin, the administrative record will be submitted to EPA for their review and approval under 303(c) of the Clean Water Act. *The complete administrative record was submitted to EPA on September 7, 2023 for consideration and approval in accordance with 40 CFR §§ 131.6 and 131.20.* EPA has 60 days to approve or 90 days to disapprove the regulation. *The final regulations are codified in Chapter 93 of the Pennsylvania Code. The updated chapter is available at [25 Pa. Code Chapter 93](#).*

Methylmercury Site-Specific Water Quality Criteria Rulemaking

This proposed rulemaking will recommend updates and revisions to § 93.8d which outlines the site-specific water quality criteria process. The proposed amendments include the addition of language that clarifies when site-specific water quality criteria may be requested and specifies the conditions under which site-specific water quality criteria may not be requested. The proposed amendments will update language throughout §93.8d to identify the data and information that must be submitted with each request for a site-specific water quality criterion and the actions to be taken by the Department as part of the site-specific water quality criterion development and regulatory processes. These proposed amendments are consistent with federal regulations and requirements.

In addition, this proposed rulemaking proposes to delete the statewide total mercury water quality criterion of 0.05 µg/L for Ebaughs Creek located in York County; and to add a site-specific methylmercury water quality criterion of 0.00004 µg/L for Ebaughs Creek in § 93.9o (relating to Drainage List O). The York County Solid Waste Regional Authority (YCSWRA) owns and operates the York County Sanitary Landfill, which is a 306-acre site located in Hopewell Township, York County, PA. Between 1974 and 1997, the landfill received municipal and industrial waste, which was placed into lined and unlined cells. The site contains approximately 135 acres of unlined landfill. Detection of volatile organic compounds (VOCs) in several groundwater wells was discovered in 1983 and was associated with the unlined cells. A treatment system was installed to remove the VOCs and began operation in 1985. The system consisted of 17 extraction wells and air stripping towers.

The air stripping towers discharge the treated groundwater under NPDES permit number PA0081744. Mercury was later identified through the Department's permit application review process as a potential pollutant of concern. YCSWRA has requested the Department delete the statewide total mercury water quality criterion of 0.05 µg/L for Ebaughs Creek and develop a site-specific methylmercury water quality criterion for Ebaughs Creek to inform their NPDES permit effluent limitations for Outfall 002. Since the Department does not currently have statewide numeric water quality criteria for methylmercury, YCWRA's request satisfies § 93.8d(a)(3).

DEP presented the proposed rulemaking to the Agricultural Advisory Board and the Water Resources Advisory Committee on March 15, 2023 and March 16, 2023, respectively. The proposed rulemaking was presented to and approved by Environmental Quality Board on July 11, 2023. *On August 21, 2023, a tolling memo was received from the Office of Attorney General. On September 13, 2023, DEP staff and counsel submitted a response to the Office of Attorney General's tolling memo.* The proposed rulemaking will be published in the Pennsylvania Bulletin this fall, which will initiate a 45-day public comment period.

Triennial Review of Water Quality Standards

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements and permit conditions (such as treatment requirements, effluent limits, and best management practices) on individual sources of pollution. This proposed rulemaking fulfills the Commonwealth's obligation to periodically review and revise its water quality standards and updates Pennsylvania's water quality standards such that the surface waters of this Commonwealth are afforded the appropriate level of protection.

This rulemaking proposes to:

- Add or revise aquatic life and human health water quality criteria for 17 substances,
- Clarify duration periods for aquatic life criteria, and
- Reaffirm the removal of Water Contact Sports use from the Outer Erie Harbor/Presque Isle Bay and portions of the Delaware Estuary and removal of portions of the Warm Water Fishes (WWF) and Migratory Fishes (MF) aquatic life uses for portions of the Delaware Estuary.

DEP presented the proposed rulemaking to the Water Resources Advisory Committee and Agricultural Advisory Board on November 17, 2022, and December 8, 2022, respectively. The proposed rulemaking was presented to and approved by Environmental Quality Board on July 11, 2023. The proposed rulemaking will be published in the Pennsylvania Bulletin this fall, which will initiate a 45-day public comment period.

NPDES Schedules of Compliance

This rulemaking will amend § 92a.51(a) for NPDES permit schedules of compliance to allow the Department to approve permits for combined sewer overflow (CSO) dischargers with compliance schedules beyond the 5-year period currently established in the regulations, but not longer than the implementation period in the discharger's approved long-term control plan (LTCP). The draft proposed annex was presented to the Water Resources Advisory Committee (WRAC) on July 28, 2021, which concurred with DEP's recommendation to present the proposed rulemaking to the Environmental Quality Board (EQB). The proposed regulation was adopted by the EQB on October 19, 2021. The proposed rulemaking was published in the Pennsylvania Bulletin on January 15, 2022, for a 45-day public comment period that ended on March 1, 2022. One virtual public hearing was held on February 16, 2022, although nobody provided testimony. Three public comments were received on the proposed rulemaking and comments were also submitted by EPA. IRRRC had no comments or questions on the proposed rulemaking. The draft final-form rulemaking was presented to WRAC at its July 21, 2022, meeting and WRAC voted unanimously to support the rulemaking. The EQB adopted the final-form rulemaking on November 15, 2022. Section 5(g) of the Regulatory Review Act provides that the Independent Regulatory

Review Commission (IRRC) is deemed to have approval a final-form regulation when the Commission did not file comments on the proposed regulation. Since IRRC did not comment on the proposed rulemaking, DEP made no changes and the legislative standing committees conveyed no recommendation, comments, or objections, the final-form regulation was deemed approved on May 17, 2023. The final-form rulemaking was published in Pennsylvania Bulletin on June 24, 2023. Following the publication of the final rulemaking in the Pennsylvania Bulletin, the administrative record will be submitted to EPA for their review and approval under 303(c) of the Clean Water Act. EPA will have 60 days to approve or 90 days to disapprove the regulation.

Chapter 105 Alternatives Analysis Technical Guidance Document (310-2100-002)

DEP's Bureau of Waterways Engineering and Wetlands (BWEW) has published this final [TGD](#) on its website. Notice of Availability of the Technical Guidance was published in the Pennsylvania Bulletin on August 5, 2023 at [53 Pa.B. 4501](#). The guidance provides Chapter 105 permit applicants with a comprehensive understanding of what DEP is looking for in a Chapter 105 alternatives analysis and highlights some of the major elements of the analysis at various scales for a proposed project. This guidance will improve permitting efficiency by minimizing, if not eliminating, the lack of guidelines and understanding of the various regulatory concepts which apply to the alternatives analysis requirements in Chapter 105. By following this guidance document, permit applicants should be able to avoid common deficiencies.

DEP is hosting a public webinar "Guidance for Developing a Chapter 105 Alternatives Analysis" on September 29 at 10:00 AM. The webinar will provide an overview of DEP's new guidance on preparing an alternatives analysis as part of a dam safety and waterway management permit application. Registration for the public webinar is available at the following link: [Microsoft Virtual Events Powered by Teams](#).

Draft Trenchless Technologies Guidance (310-2100-003)

DEP's Bureau of Waterways Engineering and Wetlands (BWEW) has worked with other DEP staff to draft this TGD to outline the steps and options to consider, and implement as appropriate, when proposing to use a trenchless technology installation method on any portion of a project – including those projects that traverse aquatic resources. This draft TGD has been prepared to provide information to project proponents that may help to prevent environmental issues, improve project planning, permitting and compliance with applicable regulatory requirements. It is important to note, this is recommended guidance that does not require a new permit. Notice of availability of this draft technical guidance document was published in the Pennsylvania Bulletin on March 19, 2022 at [52 Pa.B. 1693](#). The 60-day public comment period ended on May 18, 2022. DEP received 150 letters; 144 form letters in support and 6 letters with constructive comments and edits. Next steps include reviewing the comments received, preparing a comment and response document, making any necessary changes, and then publishing as a final guidance document. BWEW anticipates this final guidance to be completed by the end of 2023 or early 2024.

General Permits for Beneficial Use of Sewage Sludge (a.k.a. Biosolids)

The Department issues general permits for the beneficial use of biosolids (a.k.a. sewage sludge) and residential septage. PAG-07 allows for the Beneficial Use of Exceptional Quality (EQ) Biosolids; PAG-08 allows for the Beneficial Use of Non-Exceptional Quality (Non-EQ) Biosolids; and PAG-09 allows for the Beneficial Use of Residential Septage. Beneficial use is the use or reuse of biosolids or residential septage for any purpose, where the use does not harm or threaten public health, safety, welfare, or the environment. These permits apply to a person who prepares biosolids that will be sold or given away in a bag or other container or biosolids that will be land applied, and to a person who applies biosolids or residential septage to the land. The Department issues these permits under the authority of Pennsylvania's Solid Waste Management Act and Clean Streams Law. The Department has administratively extended these general permits for several years. The Department has presented pre-draft permits to the Water Resources Advisory Committee (WRAC) and the Agricultural Advisory Board (AAB) in March 2021.

The Bureau of Clean Water has also organized a workgroup to gather input on the proposed changes to the general permits. The group includes biosolids generators, land applicers, farmers, consultants, and interested third parties (including the Chesapeake Bay Foundation and the Delaware Riverkeeper Network). The workgroup discussion focused on the biosolids land application program, the proposed changes to the permit, PFAS in biosolids, nutrient management of biosolids, impacts of hauled-in residual waste into the biosolids treatment process, and field storage of biosolids on land application sites. The workgroup members decided to provide formal written comments to the Department. DEP will use the information gathered during the outreach process to draft any revisions to the permit documents prior to issuing draft permits for public comment.

The Department also communicated with and provided information to the Legislative Budget and Finance Committee (LBFC) as the LBFC evaluated the costs and practicality of the proposed changes to the general permits, as directed by [House Resolution 149 from the 2021-2022 General Assembly session](#). LBFC's [final report](#) on the proposed revisions to the general permits was published in June. DEP's response to LBFC's draft report is included in LBFC's final report as Appendix E.

Federal Infrastructure Funding - Bipartisan Infrastructure Investment and Jobs Act (IIJA)

The Bipartisan Infrastructure Law (BIL) provides funding to the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF). These programs have seen increases to base program funding as well as new supplemental funding programs.

The BIL reauthorizes the base DWSRF program funding and establishes new supplemental DWSRF pots for general infrastructure projects, emerging contaminants projects, and lead service line replacement projects. Base and general supplemental DWSRF money will be used for projects that will improve water system infrastructure (e.g., replacing aging water lines, upgrading treatment plant components, finished water storage tanks.) DWSRF BIL funding will provide funding to eligible water systems via PENNVEST for these infrastructure projects. Additionally, the BIL will provide money for technical assistance to water systems, as well as money to cover the cost of administration of the DWSRF program for both the Bureau of Safe Drinking Water (BSDW) and the Bureau of Clean Water (BCW).

BIL reauthorizes the base CWSRF program funding and also establishes new CWSRF supplemental pots for general infrastructure projects and emerging contaminants projects. In addition, it establishes a new set-aside that will enable DEP to provide technical assistance to small, rural Publicly Owned Treatment Works (POTW). Similar to the DWSRF program, the CWSRF base program provides funding to infrastructure projects to improve non-point source pollution, stormwater infrastructure, and wastewater infrastructure. CWSRF funding will provide funding to eligible project applicants via PENNVEST for infrastructure projects. The BIL CWSRF funding will also support technical assistance to systems and includes a means to cover the cost of administration of the CWSRF program.

DEP staff manage EPA applications for both the DWSRF and CWSRF capitalization grants awarded to PENNVEST. DEP staff also oversee DEP's role in the managing potential and funded projects from pre-application through project closeout. DEP staff coordinate to prepare the SRF Intended Use Plans including budgets on an annual basis and review, ranking and management of PENNVEST project applications.

DEP and PENNVEST *applied for* the coming federal fiscal year state allotments. These are noncompetitive grants, so EPA provides the state allotment in advance of the application process to facilitate grant application development. DEP submitted the application on behalf of PENNVEST by July 1, 2023. Public notice of the intent to apply included a public comment period. *DEP was awarded the DWSRF grants for an approximate total of \$275 million which includes the state match funds. The CWSRF grants are expected to be awarded in the coming weeks.*

The BIL also provides additional funding programs that appear to fall outside of the SRF umbrella. To date, EPA has provided very little if any information to states on this additional funding outside of the SRF umbrella. DEP BSDW staff will continue to push EPA for this guidance and provide additional details in future weekly articles as more information becomes available. While specific state funding allotments are not yet available, these programs include funding for the following:

- Assistance for Small and Disadvantaged Communities (Sec. 50104) – Preliminary EPA documents indicate that PA’s share may be ~\$28 million annually. Funding may be provided through Small, Underserved, and Disadvantaged Communities Grants (not SRF); can be used to remediate PFAS in drinking water.
- Several Lead Programs – Reducing Lead in Drinking Water (Sec. 50105) and Lead Contamination in School Drinking Water (Sec. 50110). Note: These lead programs may be under the Water Infrastructure Improvements for the Nation (WIIN) Grant umbrella.
- Operational Sustainability Grants to Small PWSs (Sec. 50106) and Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program (Sec. 50107).

Chesapeake Bay Restoration IJA/BIL

On May 2, 2022, EPA announced the allocation of \$40 million in first-year funds from the IJA at an event in Baltimore. The funding includes the \$15 million allocation to jurisdictions for the Most Effective Basins as well as funding through the National Fish and Wildlife Foundation’s Small Watershed Grants and Innovative Nutrient and Sediment Reductions grants program. This will use nearly 85% of the designated infrastructure funding for FY2022 and make important strides toward attaining targets set before us in the 2014 Chesapeake Watershed Agreement. Pennsylvania has been allocated \$5,598,333 for the initial year. DEP was notified on May 19, 2022, that our allocation will be \$1.8 million to implement projects in the Pilot and Tiers 2-4 counties within Pennsylvania’s Chesapeake Bay watershed. The rest of the funding coming to Pennsylvania will be directed to DCNR and SCC for the initial year. DEP received the federal award in September 2022 and awarded the funds through the Countywide Action Plan (CAP) Implementation Grant in December 2022.

DEP, State Conservation Commission, and Pennsylvania Fish and Boat Commission staff met with EPA on January 9, 2023, to discuss the FY2023 Chesapeake Bay IJA allocation. Discussions are ongoing and recommendations for the allocation have been provided by DEP to EPA for their consideration.

On March 13, 2023, EPA provided the Pennsylvania agency-specific allocations, beginning October 1, 2023. Including all Chesapeake Bay federal grants, DEP will be receiving more than \$13 million, of which more than \$5 million will be IJA money. DEP is working with EPA to review the draft grant guidelines and identify procurement requirements associated with IJA funding. DEP reviewed the additional federal funding allocation with conservation districts during the annual Conservation District and Commonwealth Agency Agricultural meeting on April 6, 2023. DEP and SCC held two follow-up sessions on May 18, 2023, with county partners (Tier 1-2 and Tier 3-4, respectively) to review and discuss options for delivering the additional federal funding, complementing state funding sources, to the counties. The workplan, budget, and associated forms were submitted to EPA by the July 16, 2023 deadline. *On August 30, 2023, DEP received our FY2023 IJA funding allocation.*

PAG-12 General Permit

On Saturday, September 16, 2023, DEP published notice in the Pennsylvania Bulletin of the final reissued PAG-12 National Pollutant Discharge Elimination System (NPDES) General Permit for Operation of Concentrated Animal Feeding Operations (CAFOs). DEP worked closely with the Department’s Agricultural Advisory Board and EPA toward the reissuance of the PAG-12. On September 15, 2023, a letter was sent to CAFOs operating under the currently administratively extended General Permit, notifying them of the renewal

and the deadline of December 31, 2023 to submit their Notice of Intent (NOI) and annual report. The permit documents are available on DEP's eLibrary, [here](#).

PAG-13 General Permit

On Saturday, September 24, 2022, DEP published notice in the Pennsylvania Bulletin ([52 Pa.B. 6107](#)) of a 2-year extension to the PAG-13 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges to Small Municipal Separate Storm Sewer Systems (MS4s). By this action the availability of the general permit has been extended to March 15, 2025. The notice also solicited interested participants for a workgroup that DEP to discuss the requirements for the next PAG-13 term. DEP received nearly 60 requests to participate and has selected approximately 20 members. A series of 8 meetings was held between November 2022 and March 2023 and DEP received a significant amount of feedback on the next version of PAG-13. DEP also received recommendations from EPA Region 3 via a letter dated February 28, 2023. DEP has prepared preliminary draft PAG-13 documents which are under internal review.

Nonpoint Source (NPS) Management Section 319

The Section 319 NPS Management grant funds are provided by the U.S. Environmental Protection Agency (EPA) and authorized through Section 319(h) of the federal Clean Water Act. The program's primary purpose is to implement Section 319 Program Watershed Implementation Plans (WIP) to improve and protect Pennsylvania's waters from nonpoint source pollution.

Federal Fiscal Year (FFY) 2022 EPA Section 319 NPS Management Grant awards were [announced](#) on October 7, 2022.

DEP opened the Federal Fiscal Year (FFY) 2023 EPA Section 319 NPS Management Grant round on April 22, 2022. The deadline to apply was June 24, 2022. New this year is a focus on Watershed Implementation Plan (WIP) development in Environmental Justice (EJ) areas. Staff submitted the draft workplans to EPA for their review by the EPA / DEP Action Plan deadline of November 30, 2022.

The FFY 2024 EPA Section 319 NPS Management Grants round opened April 21, 2023, with applications due by June 23, 2023, at 11:59 p.m., as noticed in the Pennsylvania Bulletin on April 1, 2023, at [53 Pa.B. 1869](#).

Growing Greener Plus Program

DEP opened the 2022 Growing Greener Plus grant round on April 22, 2022. The deadline to apply was June 24, 2022. The 2022 Growing Greener Plus grant round includes some new features, including: (1) a reinvigorated Growing Greener Watershed Renaissance Initiative (GGWRI) focused on the complete implementation of existing watershed restoration or implementation plans on small catchment areas in Centre, Huntingdon, Lancaster, Snyder, and Union counties; and (2) a priority to implement projects in support of the Pennsylvania 2021 Climate Action Plan. The 2022 Growing Greener Plus awards were announced on January 12, 2023. The full list of 2022 Growing Greener projects can be found [here](#).

The 2023 Growing Greener Plus Grants round opened April 21, 2023, with applications due by June 23, 2023 at 11:59 p.m., as noticed in the Pennsylvania Bulletin on April 1, 2023, at [53 Pa.B. 1868](#).

State Water Plan

The [2022 State Water Plan Update Report](#) ("Update Report") is now complete and available to all Pennsylvanians! This report is focused on items such as water resources strategies outlined in the Pennsylvania Climate Action Plan and updated regional watershed priorities. In addition to this important document a [Digital Water Atlas Story Map](#) was created as planning tool for professionals and research tool for academics.

The first round of meetings for 2023 was successfully completed this April with all seven committees having met. Several committees struggled to achieve quorum during their meetings leading to an emphasis on recruiting in the coming months to ensure that business can be conducted in future meetings. On May 16, 2023, members of Compacts and Commissions Support's Water Use and Planning Section delivered a presentation to the DEP Environmental Justice Advisory Board. In addition, several other presentations are being planned for future conferences and technical events where key stakeholders will be present. Over the past few weeks some potential candidates for open slots on the committees that have come forward, but more are still needed. The Citizen's Advisory Council can assist with this effort by referring anyone who could fill a committee vacancy to James Horton (jahorton@pa.gov). Up to date information on current committee membership and vacancies can be found [here](#).

The next round of meetings will take place in October of this year. In accordance with Act 220 of 2002's requirements, a new update will be needed in 2027.

Public Water System Technical Assistance Center (PWS-TAC) Board Meeting

The next meeting of the Public Water System Technical Assistance Center (PWS TAC) Board is scheduled for Thursday, October 26, 2023. The meeting will be held in Room 105 of the Rachel Carson State Office Building and will start at 9 am. The agenda and meeting materials will be posted to the [PWS-TAC Board](#) website two weeks prior to the meeting date.

The PWS TAC Board provides direction and advice to DEP on water system technical and management assistance programs; and to comment on policies, guidance and regulations as they may affect all public water systems, with an emphasis on the unique effects on small public water systems.

Attachment 1

2023 Events Calendar

Please consult the [DEP Calendar of Events](#) for a comprehensive listing of upcoming events and information on how to attend. The Calendar can be accessed in the Public Participation Tab on the DEP website; click on “Public Participation” then “Calendar of Events.” Unless otherwise indicated below or on the DEP Calendar of Events, there will be virtual and in-person attendance options for each event.

October	
10	Environmental Quality Board (EQB) Meeting, 9:00 a.m.
10	State Water Plan – Delaware Regional Water Resources Committee Meeting, 9:00 a.m.
11	State Water Plan – Lower Susquehanna Regional Water Resources Committee Meeting, 9:00 a.m.
11	Technical Advisory Committee on Diesel-Powered Equipment (TAC) Meeting, 10:00 a.m.
11	State Board for Certification of Water and Wastewater System Operators Meeting, 10:00 a.m.
11	Environmental Justice Public Comment Meeting on the EJ Policy Update 5 p.m. - 7 p.m. Virtual
12	DEP Air Quality Technical Advisory Committee (AQTAC) Meeting, 10:00 a.m.
12	State Water Plan – Potomac Regional Water Resources Committee Meeting, 1:00 p.m.
12	Environmental Justice Public Comment Meeting on the EJ Policy Update 6 p.m. - 8 p.m., Ranshaw, PA (North Central)
13	Mine Families First Response and Communications Advisory Council Annual Meeting, 10:00 a.m.
16	Environmental Justice Public Comment Meeting on the EJ Policy Update 6 p.m. - 8 p.m., Scranton, PA (Northeast)
18	State Water Plan – Statewide Water Resources Committee Meeting, 9:00 a.m.
18	Environmental Justice Public Comment Meeting on the EJ Policy Update 6 p.m. - 8 p.m., Erie, PA (Northwest)
18	Environmental Justice Public Comment Meeting on the EJ Policy Update 6 p.m. - 7:30 p.m., Pittsburgh, PA (Southwest)
19	Agricultural Advisory Board (AAB) Meeting, 9:00 a.m.
19	Recycling Fund Advisory Committee (RFAC) & Solid Waste Advisory Committee (SWAC), joint meeting, 10:00 a.m.
19	Radiation Protection Advisory Committee Meeting
19	Environmental Justice Public Comment Meeting on the EJ Policy Update 6 p.m. - 8 p.m., Harrisburg, PA (South Central)
21	Environmental Justice Public Comment Meeting on the EJ Policy Update 10 a.m. - 12 p.m., Chester, PA (Southeast)
24	Climate Change Advisory Committee (CCAC) Meeting, 9:00 a.m.
24	State Water Plan – Ohio Regional Water Resources Committee Meeting, 1:00 p.m.
25	State Water Plan – Great Lakes Regional Water Resources Committee Meeting, 9:00 a.m.
25	Small Business Compliance Advisory Committee (SBCAC) Meeting, 10:00 a.m.

25	Environmental Justice Public Comment Meeting on the EJ Policy Update 5 p.m. - 7 p.m., Virtual
26	Public Water System Technical Assistance Center (PWS TAC) Board Meeting, 9:00 a.m.
26	Environmental Justice Public Comment Meeting on the EJ Policy Update 6 p.m. - 8 p.m., Philadelphia, PA (Southeast)
November	
1	State Board for Certification of Sewage Enforcement Officers Meeting, 10:00 a.m.
1	Aggregate Advisory Board (AggAB) Meeting, 10:00 a.m.
9	Cleanup Standards Scientific Advisory Board (CSSAB) Meeting. 9:30 a.m.
9	Mining and Reclamation Advisory Board (MRAB), 10:00 a.m.
14	Environmental Quality Board (EQB) Meeting, 9:00 a.m.
14	Environmental Justice Advisory Board (EJAB) Meeting, 9:00 a.m.
14	Citizens Advisory Council (CAC) Meeting, 12:30 p.m.
16	Water Resources Advisory Committee (WRAC) Meeting, 9:30 a.m.

This report was prepared by Max Schultz, DEP Policy Office, Deputy Policy Director for Energy Resources. For questions or requests, please email maxschultz@pa.gov.